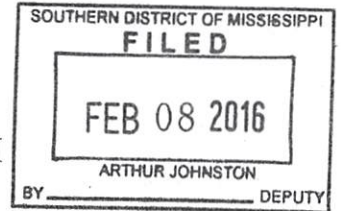


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



MITZI L. WYATT

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:16cv39HSO-JCG

GULF COAST PLASTIC SURGERY ASSOCIATES, P.A.
ERIC J. WYBLE, M.D., individually and as the agent of GULF
COAST SURGERY ASSOCIATES, P.A., and JOHN DOES 1-4 DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

COMES NOW the Plaintiff, Mitzi L. Wyatt and files this her Complaint against the Defendants, Gulf Coast Plastic Surgery Associates, P.A., Eric J. Wyble, M.D., individually and as the agent of Gulf Coast Plastic Surgery Associates, P.A., and John Does 1-4, and in support hereof, would show unto the Court as follows:

1. That the Plaintiff, Mitzi L. Wyatt, is an adult resident citizen of the Southern Division of the Southern District of the State of Mississippi, presently residing at 9109 Warbler Ave., Ocean Springs, Mississippi, 39564, and in the jurisdiction of this Court is claimed under Title VII of the Civil Rights Act of 1964, as amended.

2. That the Defendant, Gulf Coast Plastic Surgery Associates, P.A., is a professional association, organized and existing pursuant to the laws of the State of Mississippi, with its principal place of business within the Southern Division of the Southern District of the State of Mississippi, which may be served through its registered

agent, Eric J. Wyble, M.D., in accordance with law.

3. That the Defendant, Eric J. Wyble, M.D. individually and as agent, owner, proprietor, and operator of Gulf Coast Plastic Surgery Associates, P.A., is an adult resident citizen of the Southern Division of the Southern District of the State of Mississippi, who may be served with process in accordance with law.

4. That the Defendants, John Does 1-4, are agents and/or employees of Gulf Coast Plastic Surgery Associates, P.A., who are an adult resident citizens of the Southern Division of the Southern District of the State of Mississippi, who may be served with process in accordance with law.

5. That the Plaintiff was employed by the Defendants from 2009 until 2015, as the Office Manager of Gulf Coast Plastic Surgery Associates, P.A., under the direct supervision of Eric J. Wyble, M.D.

6. That the Plaintiff is a Caucasian female.

7. That the aforesaid, Eric J. Wyble, M.D., engaged in conduct during the Plaintiff's employment with the Defendants, which amounted to sexual harassment.

8. That among other things, the aforesaid Eric J. Wyble, M.D., repeatedly made sexual comments to the Plaintiff, made unwanted sexual advances to her, and generally treated her in an offensive, abusive, and degrading manner because of her gender.

9. That the aforesaid conduct was highly offensive to the Plaintiff and was severe and pervasive as to constitute a hostile work environment.

10. Further, that the behavior of the Defendant's agent escalated to the point

that the Plaintiff felt compelled to engage in a romantic relationship with Eric J. Wyble, M.D. in order to remain in the employ of the Defendants.

11. That immediately upon ending her relationship with said, Eric J. Wyble, M.D., the Plaintiff suffered tangible job detriment, including, an immediate and unjustified demotion of her position and reduction of salary and other benefits without cause or justification.

12. That the Plaintiff was deprived of her employment and other benefits by the Defendants without due process of law in violation of the Constitution of the State of Mississippi and the United States.

13. That the Plaintiff was deprived of her employment and other benefits in violation of public policy, to wit: That all persons shall be treated fairly, regardless of gender.

14. That the Plaintiff was treated differently from other employees similarly situated and was deprived of her employment and benefits, was harassed and mistreated, solely because of her gender.

15. That the sexual harassment, hostile work environment and reprisal, and ultimately the termination of the Plaintiff's employment as a direct and proximate result of the said sexual harassment, hostile work environment and reprisal by the Defendants was in violation of Title VII of the Civil Rights Act of 1964, as amended.

16. That pendant to her claims against the Defendants for their violation of Title VII, are the Plaintiff's claims under common law that she was wrongfully terminated as a

“whistleblower” in violation of common law. Specifically, the Defendants did terminate the Plaintiff in retaliation for the Plaintiff’s lawful actions in reporting the Defendants’ illegal office practices.

17. Further, that following her wrongful termination by the Defendants, the Defendants through their agents, Eric J. Wyble, M.D., and/or others, and/or Defendant Wyble individually did set upon a course of action to defame and/or slander the Plaintiff to potential employers, resulting in the Plaintiff being unable to find gainful employment for an extended period of time.

18. That as a direct and proximate result of the wrongful conduct of the Defendants, the Plaintiff has suffered serious emotional and physical distress.

19. That as a direct and proximate result of the wrongful conduct of the Defendants, the Plaintiff has sustained pecuniary damages to include past lost wages and benefits in the approximate amount of \$25,000 and future lost wages and benefits in the amount of \$25,000.

20. That as a direct and proximate result of the wrongful conduct of the Defendants, the Plaintiff has suffered physical and emotional distress, public humiliation, loss of respect, loss of reputation and loss of financial credit, for which she should be compensated in the amount of \$250,000 or more, to the limit allowed by law.

21. That due to the egregious, willful and deliberate nature of the conduct of the Defendants, the Plaintiff should be awarded punitive damages of and from the Defendants in the amount of \$1,500,000.

22. That it was solely as a result of the misconduct of the Defendants that the Plaintiff was compelled to bring this suit, and, therefore, the Defendants should be ordered to pay the Plaintiff's reasonable attorneys' fees and all costs of Court.

23. That prior to bringing this suit, the Plaintiff made complaint with the United States Equal Employment Opportunity Commission, and was granted the right to sue by letter dated November 6, 2015, and received by Plaintiff on November 10, 2015.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that this her Complaint be received and filed and that, upon hearing hereon, it may please this Honorable Court to grant her the following relief:

1. Judgment of and from the Defendants in the amount of \$50,000 actual damages for past and future lost wages;

2. Judgment of and from the Defendants in the amount of \$250,000, or more, up to the limit allowed by law at the time of trial hereof, in compensation for the physical and emotional distress deliberately and negligently inflicted upon the Plaintiff by the Defendants as well as for the deprivation of her rights under the Constitution and laws of the United States and this state;

3. Judgment of and from the Defendants in the amount of \$1,500,000 in punitive damages;


4. Reasonable attorneys' fees and all costs of Court;

5. Such other and general relief to which the Plaintiff may be entitled in the premises, either in law or in equity.

RESPECTFULLY SUBMITTED, this the 8th day of February, 2016

MITZI L. WYATT, Plaintiff

BY:


KELLY PENDERGRASS HUNTER
MS BAR NO. 100561

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